

**Notice of Allowability**

Application No.

10/057,074

Examiner

Nicholas D. Rosen

Applicant(s)

KUNIGITA, HISAYUKI

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE of January 22, 2007.
2. ☒ The allowed claim(s) is/are 1,3,5,7-13,15,17 and 19-24.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

*Nicholas D. Rosen*  
**NICHOLAS D. ROSEN**  
**PRIMARY EXAMINER**

### **DETAILED ACTION**

Claims 1, 3, 5, 7-13, 15, 17, and 19-24 have been examined.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 22, 2007 (certified as mailed on January 17, 2007) has been entered.

### ***Allowable Subject Matter***

Claims 1, 3, 5, and 7 are allowed.

Claims 8, 9, 10, and 11 are allowed.

Claim 12 is allowed.

Claims 13, 15, 17, 19, and 20 are allowed.

Claim 21 is allowed.

Claim 22 is allowed.

Claims 23 and 24 are allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Bornstein (U.S. Patent 6,144,388), discloses an electronic system, comprising: a user terminal operable by a user, the user terminal including a display (column 6, lines 41-61; column 9, lines 23-53) and a user input interface operable to receive input from a user (implied from the ability to manipulate images from a client

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computer, column 9, lines 54-62); a first unit storage operable to store image data of commodities (column 16, line 44, through column 17, line 5); a second storage unit operable image data of backgrounds (column 16, line 54; column 17, lines 19-50); a first acquisition unit operable to acquire content data of one of the commodities (column 18, lines 1-10; column 21, lines 34-39) and content data of one of the backgrounds selected by the user (column 13, lines 15-31; column 16, lines 31-43; column 19, lines 15-32); a second acquisition unit operable to acquire image data representing an image of the one commodity from the first storage unit (column 18, lines 1-10; column 21, lines 34-39) and image data of the one background from the second storage unit (column 13, lines 15-31; column 16, lines 31-43; column 19, lines 15-32); a graphics unit operable to produce a display image by combining an image of the one commodity created from the image data of the one commodity and an image of the one background created from the image data of the one background (Abstract; column 21, lines 40-66; column 22, line 53, through column 23, line 9); and a supply unit operable to supply the display image to the user terminal, thereby enabling the display image to be displayed on the display (Abstract; column 21, lines 40-66; column 22, line 53, through column 23, line 9).

Bornstein does not disclose that the commodities (articles of clothing) in his invention are for sale to the user, but Pry ("Online Retailers Add 3-D, Music, to Web Sites for Sense of Reality") teaches applying manipulation of images to commodities for sale (see especially six paragraphs beginning from, "More and more, e-retailers are using technology," and two paragraphs beginning from, "The future, he says, is in allowing").

Bornstein does not quite explicitly disclose that the graphics unit is operable to extract coordinates of the image of the one commodity that can be seen from a viewpoint selected by the user from among a plurality of different user-selectable viewpoints, but extraction of coordinates is implied (column 9, lines 54-68; column 25, lines 40-61), and in any case requisite to Bornstein's disclosed procedures. Pry teaches a commodity that can be seen from a viewpoint selected by a user from among a plurality of user-selectable viewpoints (three paragraphs beginning from "Manolo Blahnik merchandise").

Bornstein further discloses acquiring (by manipulation) a 3-dimensional image of the commodity (column 4, lines 41-61; column 5, lines 12-39).

Bornstein does not disclose that the user terminal has a user input interface operable to receive input from a user for purchasing a commodity, but such input is inherent for enabling users to order commodities, as is widely known, and implied, for example, by Pry ("the flat, two-dimensional order forms of the past" in the paragraph beginning, "More and more, e-retailers are using technology"), and by the anonymous article, "Viking Office Products Launches New E-Commerce Site for U.S.," ("enables customers to enter catalog orders directly online," in the paragraph beginning, "The new site incorporates many innovative features").

Bornstein does not disclose the first storage unit storing user history data including information concerning one or more prior purchases of one or more commodities by the user, or the supply unit supplying the user purchase history data to the user terminal, enabling the user purchase history data to be displayed, whereby the

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supply unit is operable to display the user purchase history data for reference by the user in considering purchase of the depicted commodity, and the user input interface is operable to receive user input for purchasing the commodity in response to the display of the display image, but "Viking" teaches displaying user purchase data history including information concerning one or more prior purchases of one or more commodities by the user when the user is considering ordering products (see especially the paragraph beginning "Customers on [www.VikingOP.com](http://www.VikingOP.com) will find," and the items listed thereunder, "Order History" in particular), which implies storing and supplying the data.

Bornstein does not expressly disclose adjusting a scale of the custom image data prepared by the user, but does disclose adjusting a scale of an image of the commodity to fit a custom image of the background (column 20, lines 31-48). However, neither Bornstein nor any other prior art of record discloses an adjustment unit operable to adjust a scale of custom image data prepared by the user by comparing image information indicating a scale incorporated into the custom image data with a scale image. It is known for images to have scale bars, but this does not meet the claim limitation.

The above statement of reasons for allowance has been made with particular reference to claim 1, but each of the other independent claims contains a limitation closely parallel to the limitation which makes claim 1 allowable, and is therefore allowable on the same grounds.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bascle et al. (U.S. Patent 7,139,685) disclose video-supported planning of equipment installation and/or room design.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith, can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Non-official/draft communications can be faxed to the examiner at 571-273-6762.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Nicholas D. Rosen*

**NICHOLAS D. ROSEN**  
**PRIMARY EXAMINER**

April 24, 2007